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## June 1, 2007 Lunch Meeting 12 Noon

California State University, Dominguez Hills  
Extended Education Building  
1000 E. Victoria Street  
Carson, California 90747

Mandatory Confirmation w/John O'Toole  
By 5/29/07 @ (323) 258 – 2771

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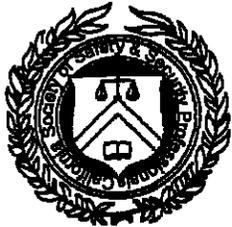
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# CSSSP

## California Society of Safety & Security Professionals Los Angeles County Chapter

Volume 47

June 2007

CSSSP is meeting at California State University, Dominguez Hills, and Extended Education Building. The address is: 1000 E. Victoria Street, Carson, California 90747. Take the Tamcliff entrance, upon entering make an immediate right onto the frontage road...on your left you will see a parking lot and at the far end of the parking lot are the Extended Education buildings (next to the Home Depot Soccer stadium). Before taking a left into the parking lot, stop in the turn lane at the yellow box and pay **\$3.00** for parking for the day. **BRING EXACT CHANGE.** Proceed into parking lot and go to middle Extended Education Building.

Our lunch will be buffet style and is \$20.00 per person. It is very important that you confirm your attendance with Mr. John O'Toole at (323) 258 – 2771. The food will be catered in and we need to have an accurate head count so we can have enough food for everyone. Please call in your reservations by Tuesday (5/29/07) so the food can be ordered.

### *June Speaker*

Joseph M. Kaplan, President of Los Angeles National Safety Council, Emeritus will give us an overview of the safety professions growth in California over the last 50 years. He will also install the new Chapter Officers for 2007-08. There will be scholarships and awards presented. Join us in the festivities and kicking off a new year for the Chapter.

### *April Speaker*

Mr. Herman O. Jett, Area Manager, Cal/OSHA Consultation Service, Santa Fe Springs Office. He will present an overview of the services offered by Cal/OSHA Consultation Services and an update on the activities of Cal/OSHA in general.

### *Memberships*

Our new members are:

Cesar G. Jerez

Vanessa Hernandez

Mario Manriquez

Ed Green

### *President's Message*

Dear Colleague: I am writing on the eve of a 4 week jury trial involving the death of a worker on a construction site. Without boring you all as to the details of the legal issues, I can tell you that the issues are very much involved in work place safety, training, OSHA, and in short all the matters that we are concerned with day to day. I represent the decedent's employer, who most of you will think ought to be immune from a civil lawsuit. I agree, but in the twists and turns of this case, it looks as though a jury is going to make that final determination. Certainly an eye opener to all employers, though workers' compensation may be the exclusive remedy for most accidents, be prepared for the unthinkable claim.

I have enjoyed my two years as your president, and thank a more than helpful board of directors from our incoming President, who will be leading us to great things. I want to express my appreciation to the board members who put in many unpaid and generally unthanked hours. I am referring to John O'Toole, who as cajoled, argued, strong-armed, and charmed a many of us to work for the common good; Jim Weidner; always with a supportive word; Linda Hunter, Joanne Blayney, and Peter Gin who refuses to take no for getting the newsletter out on time. I also want to thank our members for your support. I am frankly disappointed that our scholarship efforts have heretofore been somewhat meager; however, I am hopeful that in the months ahead that we will gather some steam and eventually raise a sustainable amount for future scholarships. I also want to thank Scot McKay who has been a great help in getting us the support of CSDH.

I hope to be with you at our next meeting, but given the trial schedule, I suspect that my last meeting as your president will be Chris' first as his. With that I wish him Bonne Chance.

Cheers,

Jeffrey Malek

Here are the new officers for the Chapter 2007-2008

President: Crist Wagner

President Elect: Jim Weidner

Vice President: Dan Leiner

Secretary: Violet Pisani

Treasurer: John A. O'Toole

## How to Avoid Safety-Related Lawsuits

There has been an increase in the number of cases brought to court citing fraudulent concealment of an exposure to a safety hazard. Why? According to the speakers at a recent BLR audio conference, juries love whistleblowers, and adding safety complaints to existing employment law cases make the cases more difficult to defend. In fact, a recent poll showed that almost 30 percent of the respondents said their facility has been involved in a safety-related lawsuit.

### Contractors

*Be choosy.* Select your contractors carefully and use only licensed professionals. Do a little research and check out your prospective contractor's safety history and training records. Have they been frequently cited by OSHA or MSHA? If so, they might have the lowest bid because they are skimping on good safety practices and training.

*It's all in the contract.* Build language into your contract that explains who is responsible for safety. Be specific, especially with regard to training and equipment.

*Train the temps too.* Temp companies often provide general safety training to employees, but your company should decide up-front who will be providing job-specific safety training. Whether you provide that training to temps or not, be sure the quality is something you can stand by and stick to that policy.

### Visitors/Customers

*No wanderers allowed.* Always know who is coming onto your worksite and what they are doing there. Never allow members of the public to wander through your worksite unattended. Also, examine your insurance policy limits for specific liabilities of non-employees. Keep in mind that signed waivers aren't usually worth the paper they are written on, so be sure to have trained employees accompany the visitors on your worksite.

*Use proper signage.* If visitors to your worksite speak languages other than English, be sure to post additional warning signs in those languages.

*They need PPE too.* If your employees are required to wear personal protective equipment (PPE), visitors in the areas should have to as well. Not only will it protect the visitor, the practice reinforces your safety message to employees.

### Employees

*Keep good training records.* Train your employees thoroughly and be sure to document the training. Remember that according to OSHA, the training never occurred if you don't have records of it.

*Don't skimp on training.* Training is the most effective form of accident prevention. Be sure to use all types of training methods including classroom training, hands-on training, and practical applications.

*What telecommuting policy?* The lack of surveillance of employees who telecommute gives way to opportunity for fraud. Be aware that it is very hard to prove if employees were injured on-the-job when they are not in the facility. Be sure to include very specific language about safety in your telecommuting policy.

### DANGER! Foot protection required.

OSHA says you have to provide proper foot protection when employees are exposed to foot hazards, such as falling or rolling objects, electrical shocks and burns, and splashes from chemicals or hot substances like molten metals. This means your employees might need:

- Steel-toe work shoes to protect toes from falling objects and being crushed by heavy materials or rolling equipment
- Work shoes with metatarsal guards to protect the foot from impact from ankle to toe
- Butyl, vinyl, or nitrile footwear to protect against hazardous chemicals
- Metal-reinforced soles to protect against punctures
- Non conducting rubber footwear to protect against electrical shocks and burns
- Latex or rubber sole shoes or boots to protect against slips and falls from wet or slippery surfaces

**Note:** OSHA's foot protection standard (29 CFR 1910.136) refers you to ANSI Z41-1991 for specific safety footwear requirements.

**Shoe condition matters.** Worn-out work shoes with holes and cracks can't provide adequate protection. So you also need to take one final step and make sure employees inspect work shoes regularly and maintain them carefully. Your workers should always:

- Check footwear before use each day to make sure there are no rips or holes.
- Check soles and heels from time to time to make sure they are not worn down.
- Replace footwear that provides give good support and protection.
- Decontaminate work shoes that come in contact with hazardous substances.
- Keep all components of footwear clean (particularly treads on soles).

Store footwear properly, away from excessive heat.

**Footwear fashion alert.** Even when special protective footwear isn't needed, work shoes should be appropriate for the kind of job the worker is doing. For example, in most jobs, extremely high heels or open sandals are inappropriate and create safety hazards. The ideal work shoe gives good foot support and has non-slip soles for good traction.

## **OSHA to Issue Final Rule on Who Pays for PPE**

The Department of Labor says it plans to issue a final rule in to cover when an employer is required to pay for personal protective equipment (PPE) for employees.

The AFL-CIO and the United Food and Commercial Workers International Union (UFCW) said the department disclosed its intentions in court papers it submitted in response to a lawsuit filed by the unions. In the lawsuit, the unions asked a court to order the Occupational Safety and Health Administration to issue a final rule on who pays for PPE.

"We applaud the decision to finally issue a final rule on employer payment for their employees' protective equipment," says John Sweeney, president of the AFL-CIO. "This rulemaking has taken far too long. We will be monitoring the Department of Labor's actions to make sure they honor this commitment and issue a strong, protective rule."

In 1999, OSHA proposed a rule that would require that employers pay for all types of PPE required under OSHA standards, except for safety shoes, prescription safety eyewear, and logging boots in certain circumstances. However, the agency never issued a final rule.

In 2004, the agency said it was still evaluating the proposal and requested more comments from the public. Specifically, the agency wanted to know how the rule should address types of PPE that are typically supplied by the employee, taken from jobsite to jobsite or from employer to employer, and considered to be "tools of the trade," especially in industries with high turnover.

Certain OSHA standards require covered employers to pay for PPE, but others are silent on the issue of who pays for PPE. For example:

- Under the Respiratory Protection Standard, the agency requires that covered employers provide respirators at no cost to employees.
- Under the Occupational Noise Exposure Standard, OSHA requires that employers make hearing protectors available to all employees exposed to an 8-hour time-weighted average of 85 decibels or greater at no cost to the employees.

## **Ladder Safety**

Fall prevention means keeping accidents from happening. The bottom line is to use good judgment and train as required by OSHA.

Good practices for climbing ladders include:

- Inspect ladder before use.
- Position ladder properly and tie-off.
- Stay at ground level if your climbing balance is affected.
- Always have two feet and one hand or two hands and one foot on ladder.
- Do not lean the mid-line of the body past the vertical side or over the top of a railing.
- Grip ladder rungs with fingers on top-not underhanded.
- Use a bucket or tool bag to raise tools.
- Use required fall protection equipment to perform work from fixed ladders.
- Wear shoes with full heels and non-slip soles.
- Use caged ladders to improve climbing safety.
- Do not use rails as designated tie-off locations.
- Follow established regulations for situations at heights ranging from 4-6 feet to 20-30 feet.
- Companies and OSHA regulations require training that may include the fall protection program, recognizing fall hazards, use of ladders, scaffold inspection, use of man lifts, manufacturer's recommendations on personal protective equipment, and when there is a need for specially qualified personnel.

## **Prevent Identity Theft**

Key prevention tips for computer users include:

- Watch out for phishing scams -- fraudulent emails and Web sites that impersonate legitimate businesses to trick people into revealing personal information.
- Avoid clicking on links in e-mails to visit Web sites, but instead manually type a company's correct Web address into the browser.
- Install comprehensive security software or services -- including anti-virus, anti-spyware and firewall protection -- and keep it up to date.
- Use caution when opening e-mail attachments, regardless of who sent them.
- Take care before sharing e-mail addresses.
- Permanently erase computer hard drives before disposing of old computers.
- Make sure Web sites are secure before visiting and providing personal information.
- Use strong passwords.
- Use caution when communicating through instant messaging.